

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2128 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SANMUKLAL BHALCHAND KAYASTHA

Versus

GUJARAT VIDYAPITH

Appearance:

MRS DT SHAH for Petitioners
MR UDAYAN P VYAS for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 13/01/2000

ORAL JUDGEMENT

The petitioners are under the employment of
Respondent No.1 Gujarat Vidyapith, Ahmedabad and on that
date of petition, they were serving as "Sevak" with the
Gujarat Vidyapith. According to the petitioners, they are
entitled to get Bonus from Respondent No.1 for the years

1984-85 and 1985-86 as the similar benefit is given to the other employees -Sevak of Respondent No.1.

Gujarat Vidyapith is declared under sec.3 of the Gujarat University Grants Commission Act, 1956 to be a "Deemed University" for the purpose of the said Act and, therefore, Gujarat Vidyapith is a "University" within the meaning of Section 2(f) of the Gujarat University Services Tribunal Act, 1983 (hereinafter referred to as the Act). The dispute raised by the petitioners relates to the service conditions of the employees of Gujarat Vidyapith.

In response to a query raised by the Court, learned counsel Mrs. D.T.Shah appearing for the petitioners has fairly submitted that Gujarat University Services Tribunal has jurisdiction to entertain and decide the dispute between the parties to this petition which relates to the service conditions of the petitioners. She has further submitted that similar submissions were advanced before this Court (Coram: M.S. Shah, J) when Special Civil Application Nos. 2934/88, 2931/88 and 7659/88 came up for hearing on 20.6.1999. Copy of the order passed by this Court (Coram: M.S. Shah,J) on the same day in the above-referred petitions is also produced today before this Court for perusal. According to Mrs. Shah, other matters listed on board today namely Spl.C.A. Nos. 1966/85, 8350/87 and 8351/87 are also disposed of on the same line in the month of April-1999 by this Court (Coram: Kundan Singh,J). Learned counsel Mrs. D.T.Shah has also clarified that after filing of this petition, Tribunal has been constituted under the provisions of the aforesaid Act and, therefore, this petition should be transferred to the said Tribunal in view of the provisions of sec. 13(2) R/w Sec.7 of the said Act.

In view of the above submissions and in view of the decisions referred to above, this petition is ordered to be transferred to Gujarat Universities Service Tribunal within a period of one week from today. After receipt of this petition, the Tribunal shall decide the same in accordance with law and as expeditiously as possible and preferably within six months from the date of receipt of the said petition. It is, however, clarified that both the parties will be at liberty to raise and argue all such contentions as are available to them on merits and in accordance with law.

In view of above directions, this petition stand transferred to the Gujarat Universities Service Tribunal. Rule is discharged accordingly.

13.1.2000 [C.K. BUCH, J]

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